



Appeal Decision

Site visit made on 25 April 2024

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 May 2024

Appeal Ref: APP/H4505/D/24/3341739

19 The Avenue, Birtley Central, Birtley, Gateshead DH3 1AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Anna Hutchinson against the decision of Gateshead Council.
- The application Ref is DC/23/00401/HHA.
- The development proposed is described as replacement garage and side extension, including demolition of garden store and at second floor, replacement dormer window to rear and insertion of conservation rooflights.

Decision

1. The appeal is dismissed insofar as it relates to the proposed replacement dormer window to the rear.
2. The appeal is allowed and planning permission is granted insofar as it relates to the proposed replacement garage and side extension, including demolition of garden store and insertion of conservation rooflights at 19 The Avenue, Birtley Central, Birtley, Gateshead DH3 1AA, in accordance with the terms of the application Ref DC/23/00401/HHA, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans so far as relevant to that part of the development hereby permitted: L01; 1207 L[0]01; RP01; 1207 L[0]21 Rev P1.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

3. The proposal involves several elements, but it is only the replacement dormer window that features in the Council's refusal reasons. I have no reason to find the other uncontested elements of the scheme unacceptable, and as they are clearly severable from the dormer window, a split decision can be made in this instance.

Main Issue

4. In light of the above, the main issue in this appeal is whether the proposed replacement dormer window would preserve or enhance the character or appearance of the Birtley Conservation Area (the BCA).

Reasons

5. The appeal property is located within the BCA, which from the information before me, and my own observations, derives some of its special character and significance from the historic and aesthetic value of its late 19th/early 20th century architecture.
6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the BCA. In this respect, paragraph 196 of the National Planning Policy Framework (the Framework) details matters which should be taken into account, including sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.
7. This is further reflected in Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 (the CS); and Policies MSGP24 and MSGP25 of the Making Spaces for Growing Places Local Plan Document for Gateshead (2021) (the LPD), which taken together, seek to conserve and enhance the historic environment by ensuring new development is compatible with local character and townscape, conserves built fabric and architectural detailing that contributes to the significance of heritage assets, and responds to local design and conservation guidance.
8. With specific regard to dormer windows, the Council's Household Alterations and Extensions Supplementary Planning Document (SPD) recognises that the roof is one of the most important parts of a property. In conservation areas, dormers should be small, set well into the roof, including below the ridgeline, and of a traditional design and materials. It further advises that the preservation of the historic character of buildings is most likely to be successful if repairs or replacement of features are carried out in the same manner and materials to those used in the original construction, including on less visible elevations.
9. The Avenue is a residential street containing a mix of house types and ages, some of which have been altered over time. The appeal property is one half of an early C20th semi-detached house. The building is constructed of red brick with a welsh slate roof and features attractive stone detailing around the front windows and doors. Despite the loss of timber sliding sash windows at No 17, the building maintains a close image of a single matched pair and is undoubtedly one of the finer examples in the street. At the rear, each house has a matching pair of modest, timber framed, pitched roof dormer windows, which sit comfortably and discretely within the central part of the roofslope. The rest of the windows at the rear are a mix of timber and upvc. Apart from the modern upvc windows, I consider that, through its age, materials, and architectural detailing, the building makes a positive contribution to the character and appearance of the BCA, and hence to its significance as a designated heritage asset.
10. I note that the design and size of the proposed replacement dormer was amended in response to concerns raised by the Council. However, even in its amended pitched roof form, the replacement dormer would be markedly taller and wider than the existing dormer window, and with a ridge that is almost level with the main ridgeline. This would cause the proposed dormer to appear

unduly dominant within the rear roofslope. It would also harmfully disrupt the symmetry that exists with the dormer window at No 17, to the detriment of the architectural composition of the building. The harm would be further compounded by the use of upvc window frames, which although already found in this and other buildings in the street, would contribute to the further degradation of the architectural qualities and authenticity of the building and wider BCA. Consequently, the replacement dormer window would constitute a harmful change to this building and the BCA as a whole.

11. In reaching this view, I have taken into account that the replacement dormer window would only be visible from a limited number of public vantage points, mainly from Orchard Park. Nonetheless, the requirement to preserve or enhance the character or appearance of the BCA applies irrespective of whether a proposal is prominent or in public view. Furthermore, while there may be other examples of unsympathetic development in the area, this does not justify granting planning permission in the context of the special attention that must be paid to the desirability of preserving or enhancing the character or appearance of the area as a whole.
12. The magnitude of harm in this case can be classed as less than substantial in the terms of the Framework. Nevertheless, in the context of the BCA as a whole, the proposed replacement dormer window would fail to preserve or enhance its character and appearance. This is a matter of considerable importance and weight.
13. On the other hand, the existing dormer window appears to be in need of repair. I also recognise that the proposal would lead to improvements in energy efficiency and the living accommodation in the property. However, I consider that these are modest benefits and there may be other less or not harmful ways of achieving similar aims. As such, the benefits of the proposal are not sufficient to outweigh the harm I have identified.
14. Thus, the proposed replacement dormer window is contrary to statutory requirements of the Act; part 16 of the Framework; Policy CS15 of the CS; Policies MSGP24 and MSGP25 of the LPD; and the SPD, where they seek to conserve and enhance the historic environment.

Conditions

15. In respect of the allowed elements, I have imposed the standard time limit and approved plans conditions to provide certainty. A further condition requiring the external materials to match the existing building is necessary in the interests of the character and appearance of the BCA. No other conditions were suggested by the Council.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed in relation to the replacement garage and side extension, including demolition of garden store and insertion of conservation rooflights, but should be dismissed in relation to the rear dormer window.

A Caines

INSPECTOR